

Appln No. 09/880,634  
Amdt date October 28, 2004  
Reply to Office action of July 28, 2004

**REMARKS/ARGUMENTS**

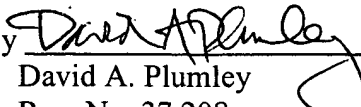
In the Final Rejection dated July 28, 2004, the examiner rejects claim 1 under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 5,753,387 to Takami, et al. in view of U.S. Patent Publication No. 2001/0051300 to Moriguchi, et al. Takami discloses a carbonaceous material with a "multi-phase structure having a region of graphite structure and a region of amorphous carbon structure. " (Column 4, lines 64-67). In contrast, claim 1 is directed to a negative active material of a single phase, namely, of a crystalline carbon structure. See Specification p. 3, lines 2-4. The claim has been amended to clarify this feature by using the language "consisting essentially of." Because Takami fails to teach or suggest such a single phase carbon graphite structure, claim 1, as amended, is allowable over Takami.

Moriguchi fails to remedy the deficiencies of Takami, as Moriguchi also fails to teach or suggest the single phase carbon structure of the negative active material, as claimed in amended claim 1. As such, claim 1, as amended, is allowable over both Takami and Moriguchi.

The examiner also rejected claim 6 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative under 35 U.S.C. § 103(a) as obvious over Takami. However, claim 6 depends from independent claim 1, which is now allowable over Takami. Accordingly, claim 6 is also allowable over Takami.

Claims 1 and 6 now remain pending in this application. Applicants have amended claim 1 and submit that each of pending claims 1 and 6, as amended, are in condition for allowance. Applicants therefore request a timely indication of allowance. However, if there are any remaining issues, the examiner is asked to contact Applicants' counsel at the number below.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By   
David A. Plumley  
Reg. No. 37,208  
626/795-9900

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